

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL OCHOA,

Plaintiff,

v.

EEAN MASON, et al.,

Defendants.

No. C16-5787 RBL-KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's motion for leave to proceed *in forma pauperis* (IFP). Dkt. 1. To file a complaint and initiate legal proceedings, a plaintiff must pay a filing fee of \$400.00 or file a proper application to proceed IFP.

According to Plaintiff's IFP motion, he was formerly incarcerated at the Washington Corrections Center in Shelton, Washington, but he is no longer in custody. He resides in a halfway house in Longview, Washington, and currently receives social security benefits because he is disabled. Dkt. 1, p. 1-2. On September 15, 2016, the Clerk of Court advised Plaintiff that if he wished to proceed with this matter, he was required to fill out the appropriate IFP form. The Clerk provided the appropriate IFP form to the Plaintiff at that time. Plaintiff was advised that he should complete the IFP form and return it to the Court by October 17, 2016. Dkt. 2. He has not done so.

//

ORDER - 1

DISCUSSION

The court may permit indigent litigants to proceed IFP upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an IFP application. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

Based on the information provided by Plaintiff, the Court is unable to determine whether Plaintiff is entitled to proceed IFP. Plaintiff is directed to complete the enclosed Declaration and Application to Proceed IFP (applicable to non-prisoners) and Written Consent for Payment of Costs, so that the Court may make a proper determination of Plaintiff's IFP eligibility. Until Plaintiff has done so or paid the full \$400.00 filing fee, the Court will not review his complaint.

Accordingly, it is **ORDERED**:

(1) Plaintiff shall submit a completed IFP application and written consent **on or before November 25, 2016**. Alternatively, Plaintiff shall pay the full \$400.00 filing fee required to proceed with this action **on or before November 25, 2016**.

(2) Failure to cure these deficiencies by the above date shall be deemed a failure to properly prosecute this matter and the Court will recommend dismissal of this matter.

(3) The Clerk is directed to send a copy of this Order and appropriate IFP forms (applicable to non-prisoners) to Plaintiff.

DATED this 25th day of October, 2016.



Karen L. Strombom
United States Magistrate Judge